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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,780	02/01/2005	Shigejiro Kimura	262898US90XPCT	9341

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,780

Applicant(s)

KIMURA, SHIGEJIRO

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 14 through 26 are objected to because of the following informalities: in each of claims 14 and 20 a plurality of rope catches are established by recitation of “a body including a pair of substantially hook shaped rope catches” (see claim 4, line 2; and claim 20, line 2). However, further recitation of “the rope catch” throughout body of the independent claims and the dependant claims refers the singularity of “the rope catch” instead of referring to the pair of rope catches. Applicant is required to correct language in the claims to be consistent with a plurality of rope catches. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as to the following:

In each of claims 14 and 20 a **plurality** of “rope catches” are established by recitation of “a body including a pair of substantially hook shaped rope catches” (see claim 4, line 2; and claim 20, line 2). However, recitation of claim language to “the rope catch” throughout the body of the independent claims and the dependant claims refers to the singularity of “the rope catch” instead of referring to the [pair of] rope catches. (e.g., See claim 14, line 4; claim 20, line 4; claim 16, line 2; and claim 21. line 2) Therefore, claims 14 through 26 are indefinite since the claim language does not clearly set forth the subject matter of whether each of the rope catches include the claimed limitations directed to the limiting lever, or to one of the rope catches include the claimed limitations directed to the limiting lever. Applicant is required to correct language in the claims to be consistent with a plurality of rope catches.

In line 4 of each of claims 14 and 20, there is no antecedent basis for “the body of a part”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 16-18 and 20-23, so far as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Billman (U. S. Patent No. 827,206). Billman ('206) discloses a rope hook comprising: a body including a pair of substantially hook shaped rope catches (10, 11); an off-the-hook limiting lever (15) pivotally connected at its base by a pivotal fulcrum (16) to the body of a part (i.e., "the base of the hook having recess 14) other than a tip portion of the rope catch so as to pivot from a closed position in which an end portion of the lever bears against an inside surface of the tip to close an opening defined between the end portion and the tip to an open position in which the end portion is spaced from the tip; a spring (a spring portion of spring 27) configured to urge the lever to pivot to a closed position (see Fig. 5); a spring (another spring portion of spring 27 partially contained in recess 14) configured to provide clearances allowing lateral displacement of the lever in a direction perpendicular to the pivotal movement of the lever within a predetermined range and to urge the lever laterally to their locked position (see phantom line section demonstrated in Fig. 2); and stopper means (projection 24 cooperating with portion 25; see Fig. 3) for preventing the pivotal movement of the lever toward one open position only when the off-the-hook limiting levers are positioned in their locked position;

(concerning claims 16 and 21) the stopper means includes a locking claw (structure of portion 25 including projection 20) formed on the tip of the rope catch and a locking protrusion (24) formed on the end portion of the lever;

(concerning claims 17 and 22) a predetermined amount of clearance or margin (as demonstrated in Fig. 2) allowing lateral swing of the lever to disengage the locking protrusion with the locking claw is provided at the pivotal fulcrum of the lever; and

(concerning claims 18 and 23) the spring configured to urge the lever to the closed position and the spring configured to urge the lever to its locked position are combined to form an integral spring (27).

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Allowable Subject Matter

Claims 15, 19 and 24-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**ROBERT J. SANDY
PRIMARY EXAMINER**

Robert J. Sandy
Primary Examiner
Art Unit 3677